

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OUTERBRIDGE ACCESS ASSOCIATION,
SUING ON BEHALF OF DIANE CROSS;
and DIANE CROSS, An Individual,

Plaintiffs,

v.

MARIE CALLENDER'S PIE SHOPS, INC.
d.b.a. MARIE CALLENDER'S #254;
PACIFIC BAGELS, LLC d.b.a.
BRUEGGARS BAGELS; COURTYARD
HOLDINGS, LP; PSS PARTNERS, LLC;
AND DOES 1 THROUGH 10, Inclusive,

Defendants.

Case No.: 07cv2129 BTM (AJB)

ORDER GRANTING THE JOINT
MOTION AND MOTION TO DISMISS
ONLY DEFENDANT PACIFIC BAGELS,
LLC d.b.a. BRUEGGARS BAGELS
WITH PREJUDICE FROM
PLAINTIFFS' COMPLAINT.

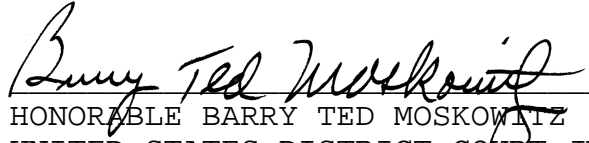
[Fed.R.Civ.P. Rule 41(a)(2)]

IT IS HEREBY ORDERED pursuant to the Joint Motion Brought by
OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF DIANE CROSS;
and DIANE CROSS, An Individual Plaintiffs, and Defendant PACIFIC
BAGELS, LLC d.b.a. BRUEGGARS BAGELS on the other hand, through
their respective attorneys of record that ONLY Defendant PACIFIC
BAGELS, LLC d.b.a. BRUEGGARS BAGELS is dismissed with prejudice

1 from Plaintiffs' Complaint, Case Number: 07cv2129 BTM (AJB).
2 Additionally, dismissal of ONLY Defendant PACIFIC BAGELS, LLC
3 d.b.a. BRUEGGARS BAGELS shall not affect the continuing
4 litigation with the remaining Defendants.

5
6 **IT IS SO ORDERED.**

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8 Dated: January 28, 2008


HONORABLE BARRY TED MOSKOWITZ
UNITED STATES DISTRICT COURT JUDGE